

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

JUN 14 2004

OFFICIAL

In re Patent Application of

MURAKAMI et al.

Atty. Ref.: 249-236

Serial No. 09/781,953

Group: 2837

Filed: February 14, 2001

Examiner: P. Miller

For: SHAPE MEMORY FOAM MEMBER AND METHOD OF  
PRODUCING THE SAME

\* \* \* \* \*

June 14, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FACSIMILE NO. (703) 872-9306

Sir:

REQUEST FOR RETURN OF INITIALED FORM PTO-1449


Applicants

filed an Information Disclosure Statement on October 7, 2002 (copy enclosed).  
Applicants have not yet received a copy of the Form PTO-1449 with the Examiner's initials and signature indicating the Examiner's consideration of the cited reference. Applicants respectfully request the Examiner to initial and sign the Form PTO-1449 and return the same to Applicants' representative via facsimile.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Alan M. Kagen

Reg. No. 36,178

30,481

AMK:jls  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 249-236

C#/M#

MURAKAMI et al.

Group Art Unit: 2837

Serial No. 09/781,953

Examiner: P. Miller

Filed: February 14, 2001

Date: October 7, 2002

Title: SHAPE MEMORY FOAM MEMBER AND METHOD OF PRODUCING  
THE SAMEAssistant Commissioner for Patents  
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of the reference(s) is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☐ This Information Disclosure Statement ("IDS") is being filed within three (3) months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.
- ☒ This IDS is being filed more than three (3) months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☒ a. I hereby certify that each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR§1.56(c) more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(2).
- ☐ c. Attached is a check in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Acct No. 14-1140 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
- ☐ This IDS is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Attached is our check in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 14-1140 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
- ☐ a. I hereby certify that each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR§1.56(c) more than three (3) months prior to the filing of this IDS. 37 C.F.R. 1.97(e)(2).
- ☐ Relevance of the non-English language reference(s) is discussed in the present specification.
- ☒ The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix hereto.
- ☐ The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ Copies of the references were cited by or submitted to the Office in parent Application No. \_\_\_\_\_ (filed \_\_\_\_\_), which is relied upon for an earlier filing date under 35 U.S.C. 120. Thus, Form PTO1449 is attached without copies of these references. 37 C.F.R. 1.98(d).
- ☐ Other.

1100 North Glebe Road  
8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Tel phone: (703) 816-4000  
Facsimile: (703) 816-4100  
AMK:jls

NIXON & VANDERHYE P.C.  
By Atty: Alan M. Kagen, Reg. No. 36,178

Signature: 

**Sheet 1 of 1**

**INFORMATION DISCLOSURE  
CITATION**

~~ATTY. DOCKET NO.~~

**249-236**

~~SERIAL NO.~~

09/781,953

**APPLICANT**

MURAKAMI et al.

FILING DATE

February 14, 2001

**GROUP**

2837

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

[illegible]

**FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS							TRANSLATION	
DOCUMENT		DATE	COUNTRY	CLASS	SUBCLASS	YES	NO	
	197 39 778	3/1998	Germany				X	

**OTHER DOCUMENTS** (including Author, Title, Date, Pertinent pages, etc.)

*Examiner			Date Considered	

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)

Form PTO-FB-A820 (Also PTO-1449)